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IN MONROE, LA  
AUG 15 2005

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA

EPCO CARBONDIOXIDE  
PRODUCTS, INC.

CIVIL ACTION NO. 04-2324

versus

JUDGE JAMES

J P MORGAN CHASE BANK, NA

MAGISTRATE JUDGE HORNSBY

**JUDGMENT**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law, *the Court ADOPTS the Report and Recommendation of the magistrate Judge except footnote 4, and*

**IT IS ORDERED** that Chase's Motion to Dismiss (Doc. 8) is granted and EPCO's complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that EPCO's Motion to Strike (Doc. 18) is denied as moot.

THUS DONE AND SIGNED at Monroe, Louisiana, this the 15 day of August, 2005.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE